Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed September 25, 2007.

I.   Summary of Examiner's Objections/Rejections

Claims 1-3, 10-13, 16-18, and 25-27 were pending in the Application prior to the Office Action mailed September 25, 2007. The Office Action rejected claims 1-3, 10-13, 16-18, and 25-27.

The Office Action objected to Claim 3 as amended in the response filed 8/31/2007 as adding matter allegedly unsupported by the specification.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, as adding matter allegedly unsupported by the specification.

Claims 1-3, 10, 12, 16-18, and 27 were rejected under 35 U.S.C. 102(e) as being anticipated by Boehme et al. (U.S. Pat. No. 6,578,191).

Claims 1-3, 10, 12, 16-18, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boehme et al. (U.S. Pat. No. 6,578,191) in view of Mellender et al. (U.S. Patent No. 4,989,132).

Claims 11 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boehme et al. in view of Cohen et al. (U.S. Pat. No. 6,011,918).

Claims 25 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boehme et al. (U.S. Pat. No. 6,578,191) in view of Mellender et al. (U.S. Patent No. 4,989,132).

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II. Summary of Applicant's Response

This Reply amends claim 1 and cancels claims 2-3, leaving for the Examiner's present consideration claims 1, 10-13, 16-18, and 25-27. Claim 1 was amended to better describe embodiments of Applicant's invention. Reconsideration of the claims is requested.

III. Response to Objection to Claim 3

Claim 1 was amended and Claim 3 was canceled to better describe embodiments of applicant's invention. Applicant respectfully submits that the amendments to Claim 1 are supported by several portions of the specification, including the first sentence of paragraph 13.

IV. Response to 35 U.S.C. 112 Rejection to Claim 3

Claim 1 was amended and Claim 3 was canceled to better describe embodiments of applicant's invention. Applicant respectfully submits that the amendments to Claim 1 are supported by several portions of the specification, including the first sentence of paragraph 13.

V. Response to 35 U.S.C. 102(e) and 103(a) Rejections to Claims 1-3, 10-12, 16-18, and 25-27

Claim 1

Claim 1 as amended states:

A high level dynamic code generation method, comprising:

a) creating a class file container object that stores source code describing a class, wherein creating a class file container object includes selecting a class name and a super class for the class;

b) adding a first source code defining a method to the class stored in the class

file container object;

c) adding a second source code into the method in the class stored in the class file container object;

d) repeating steps b and c to populate the class stored in the class file container object;

e) generating a tree of statements and expressions based on the class stored in the class file container object;

f) using the tree of statements and expressions to generate byte code for the class; and

g) instantiating an instance of the class;

<u>wherein the method can generate code for any type of Java^{TM} program.</u>

Claim 1 defines a high level dynamic code generation method. The steps comprise: creating a class file container object that stores source code describing a class, wherein creating a class file container object includes selecting a class name and a super class for the class, adding a first source code defining a method to the class stored in the class file container object, adding a second source code into the method in the class stored in the class file container object, repeating the previous two steps to populate the class stored in the class file container object, generating a tree of statements and expressions based on the class stored in the class file container object, using the tree of statements and expressions to generate byte code for the class, and instantiating an instance of the class, wherein the method can generate code for any type of Java^{TM} program.

In the Office Action mailed June 1, 2007, Claim 1 was rejected under 102(e) based on Boehme. In the response filed August 31, 2007, Applicant respectfully submitted that Boehme's

method is not a high level dynamic generation method, and consequently is a different method with different steps. Boehme's "invention does not require generation of adapter source code …" (Boehme, col. 2, lines 65-66). Boehme's FIG. 2 demonstrates creating bytecode for the parts of a class in steps 202-208 and then assembling the bytecode together into a class in step 209. This is in contrast with Applicant's Claim 1, which creates a source code file in steps a through d, then generates a tree of statements and expressions in step e, then generates byte code in step f. Applicant respectfully submitted that Boehme does not anticipate Claim 1 in the response filed August 31, 2007.

In the Office Action mailed September 25, 2007, Claim 1 was again rejected, this time under 102(e) based on Boehme and under 103(a) based on Boehme in view of Mellender. The Office Action disagreed with the fact that Boehme failed to disclose or suggest a high-level dynamic code generation method that required generation of source code.

First, the office action cited Boehme's col. 3, lines 47-49, where Boehme stated that his invention could be practiced using other high level programming languages besides the Java programming language. However, just because Boehme contemplated that his invention could be used with other unspecified languages does not mean that Boehme's invention is a high-level dynamic generation method that requires generation of source code. Boehme's invention generates byte code, it does not generate source code.

Second, the office action cited the portion of Boehme where it explicitly stated that "the invention does not require generation of adapter source code." The office action then erroneously cited Col. 4, lines 30-46 as showing the source code for adapter class and objects. Col. 4, lines 30-46, does not show dynamically generated source code. Instead, Col. 4, lines 30-46, showed the code that is used to dynamically generate adapter byte code.

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Independent Claim 1 (as amended) further requires, "wherein the method can generate code for any type of Java™ program." Applicant respectfully submits that this amendment to Claim 1 is supported by several portions of the specification, including the first sentence of paragraph 13. These features describe a difference between Claim 1 and the prior art references cited in the record. Under Claim 1, an embodiment of Applicant's invention can generate code for any type of Java™ program. In contrast, Boehme teaches generating an adapter class requires extending com.ibm.bml.EventAdapterImpl (see column 4, lines 34-36). Boehme also provides that the "adapter specification will contain information necessary to …reference the adapter superclasses …" Boehme's invention does not teach that code can be dynamically generated for any type of Java™ program.

Applicant respectfully submits that the embodiment as defined in Independent Claim 1 is neither anticipated by Boehme nor obvious in view of Mellender. Applicant respectfully requests that the 35 U.S.C. § 102(e) and 103(a) rejections to claim 1 be withdrawn.

Claims 10-12, 16-18, and 25-27

Dependent Claims 10-12, 16-18, and 25-27 depend from Claim 1. For at least the reasons discussed above, Dependent Claims 10-12, 16-18, and 25-27 are patentable. Dependent Claims 10-12, 16-18, and 25-27 add their own features which render them patentable in their own right.

VI. **Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting

issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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